

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAYMOND MILLER,)
)
 Plaintiff,)
)
 v.) 1:10CV917
)
 OFFICER BE- WENZEL #961820 and)
 WINSTON SALEM POLICE DEPT., 725)
 NORTH CHERRY STREET WINSTON)
 SALEM, NORTH CAROLINA 27102,)
)
 Defendants.)

ORDER

On December 20, 2010, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 4 and 5.) Plaintiff filed objections to the Recommendation within the time limit prescribed by section 636. (Doc. 6.)

The court has reviewed those portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination. The court finds that Plaintiff's objections do not change the substance of the United States Magistrate Judge's rulings, which are affirmed and adopted.

IT IS THEREFORE ORDERED that this action is DISMISSED as frivolous and for failing to state a claim under 28 U.S.C. § 1915(e)(2), without prejudice to re-filing.

/s/ Thomas D. Schroeder
United States District Judge

February 1, 2011